



Dr. Marine Hazelton
Superintendent
Roosevelt Union Free School District
240 Denton Place
Roosevelt, NY 11575

February 12, 2019

Dear Dr. Hazelton:

We are writing this letter regarding the recent incident that occurred in your school district where photos of nooses, labeled “back to school necklaces,” were displayed by teachers in a middle school classroom.¹ As one of the country’s leading civil rights organizations, the Lawyers’ Committee for Civil Rights Under Law is deeply concerned that this incident creates a racially hostile environment for students and staff, especially given that the demographics of your student body is majority Latinx and Black. We write to urge you to take swift and appropriate disciplinary action against the teachers involved in this incident and to institute implicit bias and African American history trainings for your staff.

The Lawyers’ Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy to enlist the private bar’s leadership and resources in combatting racial discrimination and the resulting inequality of opportunity. The Lawyers’ Committee’s mission is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities.

The recent display of nooses in a middle school classroom was a visceral display of racism that negatively impacts the learning environment of such a diverse school. Beyond the display of the racist imagery, the fact that a teacher(s) felt comfortable posting the pictures in the first place, raises serious concerns about the school’s environment.

Under Title VI of the Civil Rights Act of 1964, no individual may be subject to discrimination on the basis of race in any program or activity that receives federal funds.² A school has a responsibility to provide a learning environment that is nondiscriminatory. As the Office for Civil Rights at the U.S. Department of Education notes:

A violation of title VI may [] be found if a recipient has created or is responsible for a racially hostile environment i.e., harassing conduct (e.g., physical, verbal,

¹ Janelle Griffith, *Noose photo displayed in New York classroom draws action from school district*, NBC NEWS (updated Feb. 11, 2019, 11: 32 AM), https://www.nbcnews.com/news/us-news/noose-photo-displayed-long-island-classroom-draws-action-school-district-n969881?cid=sm_npd_nn_tw_ma

² *Racial Incidents and Harassment Against Students*, US DEP’T OF EDUC. <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html> (last visited Feb. 11, 2019)



graphic, or written) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient ³

In addition to Title VI, state laws also protect students from harassment and discrimination. New York's Dignity for All Students Act (DASA) prohibits (1) harassment by employees or students on school property or at school functions and (2) discrimination against a student based on his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability sexual orientation, gender or sex by school employees or students. Furthermore, the New York State Human Rights Law makes it illegal for non-sectarian educational institutions to allow students to be harassed on the basis of race, color, religion, disability, national origin, sexual orientation, military status, sex, age or marital status.

Without proper context, the image or display of a noose may constitute harassment and risks creating a racially hostile environment, which in turn may "limit the ability of [a student] to participate in or benefit" from equal educational opportunities, as guaranteed by Title VI. As federal courts have recognized, the noose is "one of the most vile symbols in American history"⁴ and is a "universally recognized symbol of racial intolerance, unfair punishment, and injustice."⁵ This deeply rooted symbolism and history can create an atmosphere of fear and terror and give rise to a racially hostile environment.⁶

Given your school district's demographics, and the fact that the middle school has a student population that is largely Latinx and Black, the display of this racist and vile symbol is of particular concern. At such an impressionable age, young students are greatly influenced by their environments. It is important to prohibit such blatant racism from permeating your school district, and to send a strong message to students that this type of racism and bigotry will not be tolerated.

We ask that you implement trainings on implicit bias and African American history for your teachers and staff members so they understand the severity of this incident and work to prevent any similar incidents in your school district. Educators and leaders must be aware of the painful treatment of African Americans in this country's history, and act accordingly to promote environments that are conducive for diversity and learning. We are happy to provide examples of best practices. You can also contact your regional equity assistance center, the Center for Education Equity (<https://maec.org/>).

We also request that you take swift disciplinary action against the teachers who were responsible for this incident. Racism has no place in the education system and anyone who participates in such a crude, vitriolic display of hate should be disciplined accordingly.

³ Id.

⁴ *Washington v. Francisco*, No. C 14-05083 WHA, 2015 WL 9300413 at *4 (N.D. Cal. Dec. 22, 2015).

⁵ *United States v. Baca*, 610 F. Supp. 2d 1203, 1212 (E.D. Cal. 2009).

⁶ *Porter v. Erie Foods, Inc.*, 576 F.3d 629, 636 (7th Cir. 2009).



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

1500 K Street, NW
Suite 900
Washington, DC 20005

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

The display of blatant racism and intolerance risks violating the promise of state and federal law meant to guarantee equal opportunities in education. We urge you to take immediate action to implement anti-bias trainings in your district and otherwise educate the teachers and staff directly responsible for the recent display. We respectfully request a response by February 22, 2019. Please contact Arusha Gordon and Nadia Aziz, co-interim directors of the Stop Hate Project at agordon@lawyerscommittee.org or naziz@lawyerscommittee.org, if you have any questions.

Sincerely,

Kristen Clarke
President and Executive Director
Lawyers' Committee for Civil Rights Under Law